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ALJ

SERVICE DATE - JANUARY 4, 2017

SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE SCHEDULING ORAL
ARGUMENT

Docket No. FD 35743

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORPORATION UNDER
49 U.S.C. § 24308(a) – CANADIAN NATIONAL RAILWAY COMPANY

Decided: January 3, 2017

On December 12, 2016, pursuant to 49 C.F.R. § 1114.31(a), Grand Trunk Railway Company and Illinois Central Railway Company (collectively, CN) filed a Motion to Compel the National Railroad Passenger Corporation (Amtrak) to provide a complete response to CN's Interrogatory No. 8 in CN's Second Set of Discovery Requests. On December 19, 2016, Amtrak filed a reply in opposition to CN's Motion to Compel.

The Board has signed a Memorandum of Understanding with the Federal Energy Regulatory Commission (FERC) to employ the services of FERC administrative law judges (ALJs) on a case-by-case basis to perform discrete, Board-assigned functions such as adjudicating discovery disputes between parties in cases pending before the Board.

Notwithstanding the scheduling of the Oral Argument ordered below, the parties are strongly encouraged to make intensive, good faith efforts to resolve outstanding discovery disputes without the need for judicial intervention, both prior to the Oral Argument and thereafter. Any questions pertaining to this discovery proceeding should be direct to Judge Dring's law clerk, Carlos Clemente, who may be contacted at (202) 502-8392 or Carlos.Clemente@ferc.gov.

It is ordered:

1. An Oral Argument on CN's Motion to Compel is scheduled for January 23, 2017, at 10:00 a.m. in a hearing room to be designated at the Federal Energy Regulatory Commission. This conference will be held on the record. All parties to the discovery disputes are directed to attend.

2. This decision is effective on its service date.

By the Board, John P. Dring, Administrative Law Judge.